

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 8, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 1, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated August 1, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 43 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**BryanLGH Medical Center
Congregation of Mary Queen
Dialysis Center of Lincoln, Inc.
Lincoln Christian School
Sisters of Mary, Queen of Mercy**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Congregation of Mary Queen, Dialysis Center of Lincoln, Inc., Lincoln Christian School and Sisters of Mary, Queen of Mercy and also approved a motor vehicle tax exemption for BryanLGH Medical Center subject to the vehicles being titled and registered to the applicant. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 1, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Steinman moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated August 1, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, August 1, 2000.**

MOTION: Workman moved and Hudkins seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

The Commissioners Award of Excellence was presented to Isa Wiens, an employee with Lancaster Manor.

4) **NEW BUSINESS:**

The Chair requested that the addendum and New Business Item A be read together.

A. Update regarding Cheetah's and Notice of Show Cause

Q. Receipt of reports from the Sheriff's office regarding business at Cheetah's, located at 640 West Van Dorn Street in Lancaster County, Nebraska.

Terry Wagner, County Sheriff, stated that Peter Katt, registered agent for Coaches Bar and Grill, was served a cease and desist order at 4:47 p.m. on August 3rd and that later in the evening sheriff's deputies found the dancers were wearing G-strings with their breasts and buttocks fully exposed.

At 4:15 p.m. on Friday, August 4th, the attire of the dancers remained the same, however, when sheriff's deputies returned at 9:50 p.m. the dancers wore a single Band-aid over their nipples.

Wagner said at 4:15 p.m. on Saturday, August 5th, it was reported that dancers had two Band-aids crisscrossed over their nipples and wore bikini bottoms.

In response to a question asked by Steinman, Wagner said the report indicated that the dancers' breasts were fully exposed with the exception of the nipple area.

Steinman also asked if the deputies informed the proprietor about the dancers covering their breasts.

Wagner said Captain George Lahnert provided the proprietor with a copy of Resolution 3557 on the day Cheetah's opened (July 28, 2000).

Peter Katt, legal counsel for DLH, Inc., stated that after he received the cease and desist order he met with his client regarding the legal issues involved and provided written notice, within 24 hours, to the contract provider. He added that he also provided written notice to the County Board regarding their plans to bring the property into compliance.

Katt explained they requested that the contract provider provide a written compliance plan in relation to Resolution 3557. He explained that a letter was received, from the attorney representing the contract provider, indicating bikini tops and bottoms would be worn by the dancers, beginning August 9th. This would bring them into compliance with the resolution.

4) **NEW BUSINESS CONTINUED:**

Dave Johnson, Deputy County Attorney, submitted a copy of a letter, dated August 8, 2000, from Craig Wittstruck, attorney for contract provider, into the record (Exhibit A).

MOTION: Steinman moved and Heier seconded to request the County Attorney's office issue and serve a notice for a hearing with regard to the revocation and suspension of the liquor license of DLH, Inc. doing business as Coaches Sports Bar and Grill at 640 West Prospector Court, pursuant to County Board Resolution 3557.

It was the consensus of the County Board to set the hearing for Thursday, August 24, 2000 at 1 p.m.

ROLL CALL: Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

B. Application for a Special Designated License from Wine Merchants Inc. to hold a summer employee party for Talent Plus at Boss Hog's Party Barn, located at 6305 West Adams Street. The party will be held on Friday, August 18, 2000 from 5 p.m. to 12 a.m.

MOTION: Steinman moved and Heier seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

C. An agreement with Central Plains Distributing, Inc., formerly known as Carrier Corporation, for sublease of certain space located at 1155 Saunders Avenue, in the amount of \$21,240 per annum, beginning June 1, 2000 and ending August 31, 2001. (C-00-392)

Dave Johnson, Deputy County Attorney, noted a discrepancy in the original lease size and the sub-lease size.

He also made the Board aware of the possibility that the County may have to pay the taxes in addition to the \$21,240 per annum.

Johnson requested that the item be dropped from the agenda to allow further review.

MOTION: Hudkins moved and Workman seconded to drop the agreement with Central Plains Distributing, Inc. from the agenda. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

D. Two agreements with Educational Management to provide students for the federal work study program. The students will earn \$7 per hour and the County is responsible for 25 percent of the compensation. One contract is for students at the Corrections Department and the other is for the County Clerk's Office. (C-00-395 and C-00-396)

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

E. Utility Permit Number 531, requested by Pine Lake Development L.L.C., to construct a booster pump station at South 84th Street and Pine Lake Road. The permit allows grading and access and does not involve actual water line construction. (C-00-380)

Dave Johnson, Deputy County Attorney, requested the permit be deferred for one week.

By direction of the Chair, Utility Permit Number 531 was deferred for one week at the request of the County Attorney's office.

F. Utility Permit Number 533, requested by Peoples Natural Gas, to locate a 12 inch main on the south side of Havelock Avenue from the Lincoln city limits east to a location 800 feet east of North 84th Street. (C-00-381)

MOTION: Workman moved and Hudkins seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

G. An addendum to an agreement with the law firm of Anderson, Creager and Wittstruck for the representation of indigent parties, to include law violation cases, in the amount of \$750 per month, beginning July 1, 2000 and ending December 31, 2000. (C-00-379)

MOTION: Heier moved and Steinman seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

H. An amendment to a temporary license agreement to change the name of the licensee from World Wide Fiber to 360networks (U.S.A) Inc., and to extend the term of the license until January 11, 2001 or 60 days after the adoption of the County's Telecommunications Enabling Resolution. (C-00-384)

MOTION: Steinman moved and Heier seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

I. An amendment to a contract reflecting a change in the name of contracting party from Glynn, Bollerup & Huxoll, P.C. to Bollerup & Huxoll P.C. The original agreement provides legal representation to indigent families in Juvenile Court. (C-00-382)

MOTION: Workman moved and Steinman seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

J. An addendum to an agreement with the State of Nebraska Probation Administration to provide monitoring services in juvenile cases. The addendum defines the supervision services that will be provided. (C-00-383)

MOTION: Hudkins moved and Steinman seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

K. A proposal from KPMG L.L.P. to prepare Medicare Form Cost Reports for the Fiscal Years ending June 30, 2000 and June 30, 2001. The cost to the County is \$3,300 for 2000 and \$3,500 for 2001. (M-00-63)

MOTION: Workman moved and Heier seconded approval. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

L. An application from Coregis Insurance Organizations to obtain a quote for excess general liability policy. (M-00-65)

MOTION: Hudkins moved and Workman seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

M. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-00-97)

- **Installation of a "Yield" sign on Gage Road east of South 120th Street for westbound traffic**
- **Installation of a "Yield" sign on Gage Road west of South 120th Street for eastbound traffic**

MOTION: Steinman moved and Workman seconded approval of Resolution 00-97. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

N. Authorization of National Bank of Commerce, as Trustee, to disburse \$825.76 from the juvenile detention center bond proceeds to Olsson Associates for engineering services and \$3,925.99, to Sinclair Hille Architects, for architectural services both related to the new Juvenile Detention Center. (M-00-66)

MOTION: Hudkins moved and Steinman seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

O. A request from Harlan's Automotive Inc. for a credit of personal property taxes for 1999. (M-00-59)

MOTION: Hudkins moved and Heier seconded approval. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

P. A request from Kevin Koelling, an employee with the Community Mental Health Center, to voluntarily participate in the County's retirement plan. (M-00-64)

MOTION: Steinman moved and Hudkins seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- 5) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

The Chair noted that Commissioner Workman requested Consent Items B and C be voted on separately.

A. Receive and Place on File:

1. **County Clerk's Monthly Report for July, 2000.**
2. **Lancaster Manor's Monthly Report.**

B. A resolution in the matter of County Special Permit 181, Post Rock Pines Community Unit Plan, on property generally located at the southeast corner of South 120th Street and Firth Road, in Lancaster County, Nebraska. (R-00-98)

C. A resolution in the matter of County Preliminary Plat 00008, Post Rock Pines, generally located at the southeast corner of South 120th Street and Firth Road in Lancaster County, Nebraska. (R-00-99)

D. An addendum to a post construction surveying agreement with K & M Inc. Land Surveying, in the amount of \$400. (Project STPE-3355(1))

E. Right-of-way contracts between the County Engineer and the following relating to road improvements:

- **Elizabeth M. Hall and Marilyn Kay Pueppke (also known as Marilyn Kay Hall), in the total amount of \$6,059.37, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (2 contracts) (C-00-390 and C-00-391)**
- **Warner Hereford Farms, L.L.C., in the total amount of \$16,783.88, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (3 contracts) (C-00-386 and C-00-387 and C-00-389)**
- **Ewald J. and Lorene F. Hass, in the total amount of \$55 and also a land donation, at the intersection of Northwest 112th Street and West Bluff Road; Project C.P. E-178. (2 contracts) (C-00-388 and C-00-385)**

5) **CONSENT ITEMS CONTINUED:**

MOTION: Heier moved and Steinman seconded approval of Consent Item 5B (County Special Permit 181, Post Rock Pines Community Unit Plan). Heier, Steinman, Campbell and Hudkins voted aye. Workman voted no. Motion carried.

MOTION: Steinman moved and Heier seconded approval of Consent Item 5C (County Preliminary Plat 00008, Post Rock Pines). Steinman, Hudkins, Heier and Campbell voted aye. Workman voted no. Motion carried.

MOTION: Steinman moved and Heier seconded approval of Consent Items A, D and E. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

6) **OTHER BUSINESS:**

Richard Halvorsen, 6311 Inverness, appeared and asked why an application for a Special Designated License doesn't have a public hearing.

The Chair responded that the County policy does not require a hearing be held.

7) **ADJOURNMENT:**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk